

REMARKS

The present remarks and amendments are responsive to the Office Action mailed September 26, 2005. Applicant also submits herewith corrected drawings. Applicant wishes to thank the Examiner for withdrawing prior rejections and signifying allowable subject matter of claims 15, 22 and 30-31. Claims 15, 22, 30 and 31 have been amended in view of the Examiner's suggestion of allowance to include the subject matter from the parent claims. New dependent claim 40 has been added based on the subject matter of claim 15. Reconsideration and allowance of the remaining application is now respectfully requested in light of the amendments and remarks contained herein.

A. Rejections under 35 U.S.C. § 112

The Examiner has rejected claims 14 and 17 as being indefinite. Applicant has amended the claims to address the Examiner's comments. Applicant submits that these claims satisfy the requirements of § 112.

B. Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 18 and 19 as being anticipated by *Umbreit* (U.S. Patent no. 6,704,787). Applicant requests reconsideration in view of the amendment herein. Amended claim 18 defines a method including:

storing age data representative of said  
user's age on a client of said network,  
after said step of said storing, sending a  
request to said server for access to said  
content,

receiving a request for said age data in response to the request for access to said content,  
automatically providing the stored age data in response to said request for said age data,  
gaining access or being denied access to said content dependant upon whether said age data indicates that said user is older than said particular age.

In rejecting independent claim 18, the Examiner has relied upon col. 7, lines 55-60 in which *Umbreit* teaches access to a system in which a user is prompted to enter an access code. The access code may be previously sent electronically to a user by email as suggested by the Examiner's reliance on col. 6, lines 20-22. However, the reference does not teach Applicant's invention. Merely manually inputting an access code in response to a request for age data is not the claimed provision of the stored age data as defined. Applicant therefore submits that claim 18 and its dependent claims (19 and 20) are in condition for allowance.

B. Rejections under 35 U.S.C. § 103

(1) Claim 1 and dependent claims 2-14, 16, 17 and 40

The Examiner has rejected claim 1 over *Norris* (U.S. Patent no. 6,718,328) in view of *DiAngelo* (U.S. Patent no. 6,101,482). Applicant traverses the rejection and respectfully requests reconsideration. The combined references do not teach or suggest Applicant's invention. For example, it is notable

that the Examiner has identified in *Norris* the claimed element of:

receiving with at least one processor, personal information associated with said user, said personal information including an address and age information, the personal information having been pre-stored by the processing device of the user;

For this element the Examiner relies on the use of a credit card number disclosed in *Norris* at col. 5, lines 29-33. Significantly, that *Norris* reference does not even suggest that the credit card number is being relied on to confirm age, but rather simply to arrange for a payment. More significantly and notwithstanding the Examiner's argument on "age data" to the contrary, it was known at the time of the invention that credit card information did not confirm age because some "credit card issuers issue credit cards to minors." *Umbreit*, col. 1, lines 50-54. To be sure, ask someone how old they are or what their date of birth is, for example, and not a one will recite their credit card number. Nor will anyone be successful in charging a purchase of something to their age. Finally, Applicant also refers Examiner to dependent claim 8 and respectfully reminds the Examiner of the doctrine of claim differentiation. Claim 8 introduces the element of credit card information to claim 1. For at least these reasons, Applicant respectfully submits that the Examiner has not set forth a *prima facie* case of obviousness

based on *Norris* and *DiAngelo*. Accordingly, the rejection should be withdrawn.

Similarly, the Examiner has rejected claim 1 over *Lockhart* (US Patent no. 6,944,776) in view of *Umbreit*. For the feature of "receiving with at least one processor, personal information associated with said user, said personal information including an address and age information, the personal information having been pre-stored by the processing device of the user", the Examiner specifically relies on *Lockhart*, col. 21, lines 40-48. However as described in that paragraph and just like *Norris* discussed above, no age information is being received. To the contrary and by the Examiner's own admission, *Lockhart* only teaches entering credit card information, which by the reference's own teaching is "payment information." *Lockhart*, Col. 21, lines 45-47. Moreover, *Umbreit* expressly teaches away from relying on such payment data as age information. *Umbreit*, col. 1, lines 50-54 ("credit card issuers issue credit cards to minors.") Thus, the Examiner has not set forth a *prima facie* case of obviousness. Accordingly, Applicant respectfully requests that the rejection based on the specified combination of *Lockhart* and *Umbreit* be withdrawn.

In sum, for at least these reasons, Applicant submits that claim 1 is in condition for allowance. The Examiner has not set for a *prima facie* case of obviousness. Moreover, while Applicant respectfully disagrees with other aspects of the

Examiner's rejection, Applicant submits that dependent claims 2 through 14, 16, 17 and new claim 40, which each depend from claim 1, are also in condition for allowance.

(2) Claim 21

Like claim 1, the Examiner has also rejected claim 21 over *Lockhart* in view of *Umbreit*. Applicant requests reconsideration in view of the discussion of this rejection with regard to claim 1 above. To the extent that the Examiner's Office Action indicates that he is relying on *Lockhart* for the disclosure of "age data" because *Lockhart* discloses use of a credit card, *Lockhart* does not teach Applicant's claimed invention. As previously discussed, a credit card is not age data. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection.

(3) Claim 23 and dependent claims 24-29 and 32

The Examiner has rejected claim 23 as being obvious over *Lockhart* in view of *Umbreit* and in further view of *Sanford* (U.S. Patent No. 6,688,891). Notably, it appears that the Examiner has rejected claim 23 based on the use of a credit card for payment as a "personal characteristic".<sup>1</sup> However, Applicant

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<sup>1</sup> Applicant notes that in this rejection, the Examiner has not identified where the elements of claim 23 are with regard to the prior art reference. Rather, the Examiner's rejection has exclusively focused on the elements of claim 1. Applicant respectfully requests clarification since a *prima facie* case of obviousness requires a showing that the features of the claim are in the prior art. Claim 23 has different language from claim 1 and presumably different scope. The Examiner use of the

respectfully requests that the Examiner reconsider amended claim 23. In addition to the other features of the claim, claim 23 defines:

"pre-storing in a processing device, personal information regarding said user, said personal information including an e-mail address and a value indicating a personal characteristic,"

As previously discussed with regard to the rejection of claim 1 based on *Lockhart* and in view of the Examiner's apparent attempt to interchange age and a credit card (expressly relying on col. 21, lines 40-48 of *Lockhart*), a credit card number does not identify the age of a person. To the contrary, at the time of the invention it was recognized that both minors and adults were issued credit cards. *Umbreit*, col. 1, lines 50-54 ("credit card issuers issue credit cards to minors.") In short, Applicant submits that amended claim 23 is not disclosed or suggested by the combination of references relied upon by the Examiner. A credit card does not indicate a personal characteristic. Accordingly, Applicant requests that the Examiner withdraw the rejection of claim 23.

Moreover, while Applicant respectfully disagrees with other aspects of the Examiner's rejection, Applicant submits that dependent claims 24 through 29, which each depend from claim 23, are also in condition for allowance.

(4) Claim 35 and dependent claims 36-38

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language of claim 1 renders the rejection unclear.

The Examiner has rejected claim 35 as being obvious over *Norris* in view of *DiAngelo*. Applicant respectfully requests reconsideration. As previously discussed, Applicant submits that the Examiner has not set forth a *prima facie* case of obviousness since the Examiner has not identified in either reference claimed instructions including:

receiving a request for information from a user of a remote processing device, the remote processing device having access to pre-stored user information associated with said user, said pre-stored user information including an address and age data

The Examiner contends that *Norris* discloses age data by referencing col. 5, lines 28-32. That reference explains that payment information in the form of a credit card is entered by a user. As previously demonstrated, a credit card is not age data. Accordingly, Applicant requests that the rejection of claim 35 be withdrawn.

Moreover, while Applicant disagrees with certain other conclusions of the Examiner regarding the rejections of the claim 35 and dependent claims 36-38, Applicant submits that the allowance of claim 35 requires allowance of its dependent claims. These dependent claims incorporate the novel and non-obvious invention of claim 35, in addition to the novel and non-obvious features contained in them.

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Clarification is requested.

Accordingly, Applicant respectfully requests that the Examiner allow claims 35-38.

Conclusion


As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

By   
Raymond B. Churchill Jr.  
Registration No.: 44,617  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicant